

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE JULY 3, 2013

AMENDED IN SENATE JUNE 19, 2013

AMENDED IN SENATE JUNE 12, 2013

AMENDED IN SENATE MAY 13, 2013

SENATE BILL

No. 338

Introduced by Senator Hill

(Coauthors: Senators DeSaulnier and Yee)

(Coauthors: Assembly Members Campos, Fong, Mullin, and Ting)

February 20, 2013

An act to add Section 5374.3 to the Public Utilities Code, *and to add Section 34500.4 to the Vehicle Code*, relating to charter-party carriers of passengers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 338, as amended, Hill. Charter-party carriers of passengers: limousines: fire extinguishers.

The California Constitution establishes the Public Utilities Commission with jurisdiction over all public utilities, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. Charter-party carriers of passengers, as defined, are subject to the jurisdiction and control of the commission under the Passenger Charter-party Carriers' Act. The act defines a charter-party carrier of passengers, subject to certain exceptions, to mean every person that is engaged in the

transportation of persons by motor vehicle for compensation, whether in common or contract carriage, over any public highway.

The Passenger Charter-party Carriers' Act requires a charter-party carrier of passengers to obtain from the commission a certificate that public convenience and necessity require the operation or a permit issued by the commission, and to operate within the state on a prearranged basis, as defined. A violation of these provisions is a crime.

This bill would require, 30 days after the effective date of this act, a limousine, as defined, to be equipped with 2 readily accessible and fully charged fire extinguishers, as specified, and would authorize the commission to require compliance with these provisions as a condition of issuing or renewing a certificate or permit. *The bill would also require, not later than January 1, 2015, the Department of the California Highway Patrol to implement a regular safety inspection program, as specified, of charter-party carriers of passengers that operate limousines that have been modified or extended for purposes of increasing vehicle length and passenger capacity. The bill would require the department to adopt regulations for this purpose and would require an operator or owner of a manufactured or aftermarket limousine, as described, to certify that the vehicle meets all applicable federal and state motor vehicle safety standards. The bill would also require the payment of an inspection fee, as specified.* Because a violation of ~~this provision~~ these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Limousines with a seating capacity of more than 10
- 4 passengers have more robust safety protections, including a

1 *requirement to be equipped with a fire extinguisher and to undergo*
 2 *annual safety inspections by the Department of the California*
 3 *Highway Patrol, than do limousines with a seating capacity of*
 4 *less than 10 passengers.*

5 *(b) It is the intent of the Legislature to increase the safety of*
 6 *passenger travel in limousines with a seating capacity of less than*
 7 *10 passengers that have been modified or extended for purposes*
 8 *of increasing vehicle length and passenger capacity by mandating*
 9 *annual safety inspections and the installation of fire extinguishers*
 10 *in those limousines.*

11 *(c) It is the intent of the Legislature to provide authority to the*
 12 *Department of the California Highway Patrol to develop*
 13 *regulations to create an annual safety inspection program of*
 14 *charter-party carriers that operate limousine services.*

15 **SECTION 1.**

16 **SEC. 2.** Section 5374.3 is added to the Public Utilities Code,
 17 to read:

18 5374.3. Beginning 30 days after the effective date of the act
 19 that added this section, a limousine, as defined in subdivision (i)
 20 of Section 5371.4, *that has been modified or extended for purposes*
 21 *of increasing vehicle length and passenger capacity* shall be
 22 equipped with two readily accessible and fully charged fire
 23 extinguishers having at least 2A10BC 5lb rating and maintained
 24 in efficient operating condition. One fire extinguisher shall be
 25 securely mounted in the driver's compartment and one in the
 26 passenger cabin, each in a conspicuous place or clearly marked
 27 area. The commission may require compliance with this section
 28 as a condition of issuing or renewing a certificate or permit
 29 pursuant to this chapter.

30 **SEC. 3.** Section 34500.4 is added to the Vehicle Code, to read:

31 34500.4. (a) *The Department of the California Highway Patrol*
 32 *shall have the authority to conduct annual safety inspections of*
 33 *all limousines that have been modified or extended for purposes*
 34 *of increasing vehicle length and passenger capacity and that are*
 35 *operated pursuant to the Passenger Charter-party Carriers' Act*
 36 *(Chapter 8 (commencing with Section 5351) of Division 2 of the*
 37 *Public Utilities Code).*

38 *(b) Not later than January 1, 2015, the Department of the*
 39 *California Highway Patrol shall implement an annual safety*
 40 *inspection program of charter-party carriers of passengers who*

1 *operate limousines as described in subdivision (a) that includes,*
2 *but is not limited to, the safe operation of the vehicle, the*
3 *installation of safety equipment, the retention of drivers' logs,*
4 *accident reports, records of driver discipline, compliance with*
5 *federal and state motor vehicle safety standards, and the*
6 *examination of a preventative maintenance program. The*
7 *department shall adopt regulations for this purpose and hold public*
8 *hearings prior to the adoption of any rule or regulation.*

9 *(c) Regulations adopted pursuant to this section shall be*
10 *consistent with the established inspection program administered*
11 *by the department for buses pursuant to Division 14.8 (commencing*
12 *with Section 34500), and shall require an operator or owner of a*
13 *manufactured or aftermarket limousine that has been modified or*
14 *extended for purposes of increasing vehicle length and passenger*
15 *capacity to certify to the Public Utilities Commission and the*
16 *department that the vehicle meets all applicable federal and state*
17 *motor vehicle safety standards.*

18 *(d) A charter-party carrier of passengers that operates a*
19 *limousine, as defined in subdivision (i) of Section 5371.4 of the*
20 *Public Utilities Code, that has been modified or extended for*
21 *purposes of increasing vehicle length and passenger capacity, and*
22 *that is required to undergo an annual safety inspection conducted*
23 *by the department, shall pay a fee of twenty-five dollars (\$25) per*
24 *limousine, or a maximum of six thousand five hundred dollars*
25 *(\$6,500), to offset the cost of the inspection.*

26 ~~SEC. 2.~~

27 *SEC. 4.* No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.

36 ~~SEC. 3.~~

37 *SEC. 5.* This act is an urgency statute necessary for the
38 immediate preservation of the public peace, health, or safety within
39 the meaning of Article IV of the Constitution and shall go into
40 immediate effect. The facts constituting the necessity are:

1 In order to ensure that ~~passengers of charter-party carriers are~~
2 ~~protected with fire extinguishers~~ *limousines that have been*
3 *modified or extended for purposes of increasing vehicle length*
4 *and passenger capacity and that are operated in California are*
5 *better equipped for passenger safety* at the earliest possible time,
6 it is necessary for this act to take effect immediately.

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